

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RICKY THOMPSON-EL, )  
                          )  
Plaintiff,            )  
                          )  
                          )  
v.                     ) C.A. No. 18-1426-RGA  
                          )  
GREATER DOVER BOYS AND GIRLS )  
CLUB,                )  
                          )  
Defendant.           )

**MEMORANDUM**

Plaintiff Ricky Thompson-El filed this employment discrimination case on September 13, 2018. (D.I. 1). On November 27, 2018, I dismissed the Complaint. (D.I. 6, 7). In part, I dismissed individual Defendants Chris Basher, Robin Roberts, and Trish Moses. On April 25, 2019, I denied Plaintiff's request to reinstate the dismissed defendants. (D.I. 11). On February 17, 2022, Plaintiff filed a motion for my recusal/petition to move. (D.I. 78). I now decide that motion.

Plaintiff moves for my recusal under 28 U.S.C. § 455. Pursuant to 28 U.S.C. § 455(a), a judge is required to recuse himself "in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). The test for recusal under § 455(a) is whether a "reasonable person, with knowledge of all the facts, would conclude that the judge's impartiality might reasonably be questioned." *In re Kensington Int'l Ltd.*, 368 F.3d 289, 301 (3d Cir. 2004). The movant does not have to show that the "judge actually harbors bias against a party." *United States v. Kennedy*, 682 F.3d 244, 258 (3d

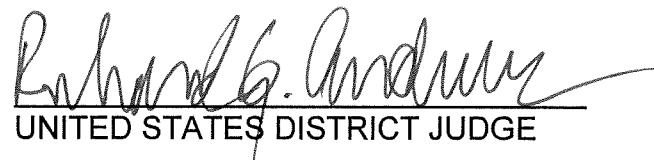
Cir. 2012). Under § 455(b)(1), a judge is required to recuse himself “[w]here he has a personal bias or prejudice concerning a party.”

Under either subsection, the bias necessary to require recusal generally “must stem from a source outside of the official proceedings.” *Liteky v. United States*, 510 U.S. 540, 554 (1994); *Selkridge v. United of Omaha Life Ins. Co.*, 360 F.3d 155, 167 (3d Cir. 2004) (beliefs or opinions which merit recusal must involve an extrajudicial factor). Hence, “judicial rulings alone almost never constitute a valid basis for a bias or partiality motion.” *Liteky*, 510 U.S. at 555.

It is evident in reading Plaintiff’s motion that he takes exception to this Court’s dismissal of the three individual defendants. A reasonable, well-informed observer could not believe that my rulings were based on impartiality, bias, or actual prejudice. After careful and deliberate consideration, I conclude that I have no actual bias or prejudice towards Plaintiff and that a reasonable, well-informed observer would not question my impartiality. In light of the foregoing standard, and after considering Plaintiff’s assertions, I conclude that there are no grounds for my recusal under 28 U.S.C. § 455.

For the above reasons, the Court will deny the motion for recusal/petition to move. (D.I. 78).

An appropriate order will be entered.



UNITED STATES DISTRICT JUDGE

June 24, 2022  
Wilmington, Delaware